IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(*Special Original Jurisdiction*)

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THURSDAY, THE TWENTY FIFTH DAY OF AUGUST

TWO THOUSAND AND FIVE

P R E S E N T

THE HON'BLE SRI JUSTICE ELIPE DHARMA RAO

* * *

WP.No.18812 OF 2005

Between:

M.V. Ramanamma … Petitioner

Versus

The District Collector,

Hyderabad & Ors. … Respondents

Counsel for the Petitioner: Mr.P.Pankaj Reddy (827)

Counsel for the Respondents: GOVT.PLEADER for Revenue

O R D E R :

This writ petition is filed questioning the action of the respondents in trying to demolish and evict the petitioner from the house bearing No.37-93/266/9 situate at Madhuranagar, Malkajgiri, Rangareddy district as unconstitutional, illegal, arbitrary and violative of Article 14 of the Constitution of India.

The case of the petitioner is that she is the absolute owner and possessor of land bearing Plot No.452 in survey no.278 admeasuring 639 sq.yards situate at Madhuranagar colony, Malkajgiri, Rangaredy district. The petitioner purchased the said land in the year 1984 from one Mr.K.Laxminarayana, who was allotted the said plot from Boodhan Yagna Board in 1975. Since the date of purchase, the petitioner

is in continuous and uninterrupted possession and enjoyment over the said plot of land as absolute owner.

The petitioner submits that after the purchase of the said land she constructed house and paying property-tax to the second respondent. Moreover, she got two major sons and the said plot of land was decided to share among them into three equal shares, i.e., @ 213 sq.yards each.

While things stood thus, the first and third respondent claimed that the property purchased by her belongs to Government and that the third respondent tried to evict her from the said house in the year 2003, she made a representation on 02-9-2003 showing her title to the property. The petitioner submits that she had no knowledge that the said land belongs to Government and that in the very same survey no.278 many alienations took place by weaker sections in recent years. The petitioner approached the office of the third respondent and informed that hundreds of similarly situated persons have purchased house plots in survey no.278 and their applications seeking regularization and extension of benefit of GO.Ms.No.515, dated 19-4-2003. The petitioner having left with no other option submitted her application for regularization of her land to the third respondent on 30-9-2003 with all relevant documents as stipulated under the said GO. Thereafter, in turn the third respondent forwarded her application seeking for regularization to the first respondent.

Now the main grievance of the petitioner is that her application is pending before the first and third respondents, the third respondent has partly demolished her and now trying to evict her from the said house. Therefore, she filed the present writ petition.

Considering the facts and circumstances of the case and taking into consideration the submission made by the learned counsel for the petitioner, without going into merits or otherwise, I deem it appropriate to dispose of the writ petition at the admission stage directing the first and third respondents to consider the representation dated 30-9-2003 submitted by the petitioner and pass appropriate orders on merits and in accordance with law within three months from the date of receipt of a copy of this order after affording reasonable opportunity of hearing the petitioner. Further the respondents are directed to follow due process of law before contemplating any action of dispossession of the petitioner from the house bearing No.37-93/266/9 situate at Madhuranagar, Malkajgiri, Rangareddy district.

With the above direction, the writ petition is disposed of at the admission stage. No costs.

AUGUST 25th, 2005. ----------

I s L. ELIPE DHARMA RAO , J.